



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **08-68**

Issue Date: **November 21, 2008**

Application No. **2008-00206**

Expiration Date: **December 22, 2008**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
And
STATE OF TENNESSEE

SUBJECT: Proposed Barge Terminal Facilities at Tennessee River Mile 424.0L,
Guntersville Lake, Marion County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** for the construction of the barge terminal and discharge of fill material into navigable waters of the United States, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. In addition, CBI requested that TVA grant a 30-year term industrial easement on a 1.1-acre portion of TVA property for access to Guntersville Reservoir. Before a permit can be issued, certification must be provided by the state of Tennessee, Department of Environment and Conservation (TDEC), Division of Water Pollution Control, pursuant to **Section 401(a)(1) of the CWA**, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application.

APPLICANT: Chicago Bridge and Iron Company (CBI)
8900 Fairbanks N. Houston Road
Houston, Texas 77064-6805

LOCATION: Tennessee River Mile 424.0, Left Bank, adjacent to Nickajack Port,
Guntersville Reservoir, Marion County, Tennessee (South Pittsburgh Quad; lat 35.01184,
lon 85.63881)

DESCRIPTION: The proposed work would involve the construction of barge terminal facilities (a launching ramp and a crane platform along the shoreline), three storm water outfalls, and approximately 24,145 cubic yards of fill material at the above location. The work would involve the placement of fill material along approximately 350 feet of

shoreline. The fill material would extend into the reservoir approximately 90 feet. The launching ramp would be located entirely above normal summer pool with dimensions of 100 feet wide and 550 feet long. CBI would excavate 29,256 cubic yards and backfill 10,461 cubic yards of material for the construction of the launching ramp. Overall, approximately 18,800 cubic yards of material would be removed for the construction of the launching ramp. The spoil material would be deposited on the property. The crane platform would be constructed 200 feet wide and approximately 175 feet long. CBI would excavate 21,793 cubic yards and backfill 102,433 cubic yards of material for the construction of the crane platform. Overall, approximately 61,840 cubic yards of material would be placed in the reservoir. Approximately 24,145 cubic yards of material would be filled between elevations 593 feet mean sea level (msl) and 619.5 feet msl. Plans of the proposed work are attached to this notice.

The launching ramp and crane platform would be used as a roll-on, roll-off type barge terminal. No barge fleeting areas are proposed at the barge terminal. One barge would be moored perpendicular to the shoreline at a time to load the fabricated material from the plant (see attached Mooring Concept plan). The moored barge would extend an additional 200' lakeward from the new terminal face. It is estimated that the plant would generate material to load approximately 3 to 5 barges per month.

CBI plans to fabricate containment vessels for nuclear materials. The activities occurring on CBI and TVA property would be limited to fabrication and shipping only, and no nuclear material would be present on the site. The location was selected due to its vicinity near rail, road, and waterway. CBI would construct an approximate 500,000-square-foot manufacturing building on a 62-acre tract of land adjacent to Nickajack Port Authority. As an integral part of designing the facility to conform with Leadership in Energy and Environmental Design standards, crushed stone, pervious overlays, and riprap would be installed for surface treatment and shoreline protection. The facilities have also been designed to maximize open spaces, preserve two wooded areas and two wetlands, and minimize erosion from storm water runoff that would affect the property boundaries and adjacent lands and waters. It is estimated the new facility would require a workforce of 270 personnel.

CBI proposes to install one storm water outfall to the Tennessee River and two storm water outfalls to Graham Branch. The storm water runoff would occur from the fabrication plant and administration buildings' roofs, parking areas, and near the launching ramp and crane platform. The outfalls would be no greater than 60 inches in size.

Previous archaeological investigations of the project area identified three previously recorded sites. Two of the three sites were recommended as potentially eligible for listing in the National Register of Historic Places. A Phase I archaeological survey was conducted within the project area. The three previously recorded archaeological sites were revisited. The results were similar to the previous surveys. Two additional sites were identified and considered ineligible. Pursuant to 36 CFR § 800 4(b)(2), TVA is

preparing a memorandum of agreement (MOA) for phased compliance with the Section 106 process of the *National Historic Preservation Act*. This agreement will be executed by TVA, the USACE, and the Tennessee State Historic Officer. Other participating parties will include CBI and federally recognized Indian tribes with an interest in this area. This MOA will stipulate the process for identification, evaluation, and treatment of eligible historic properties within the project area.

An approximate 8.2-mile portion of the Tennessee River downstream of Nickajack Dam (TRM 424.7) to the Tennessee-Alabama state line (TRM 416.5) has been designated as a state mussel sanctuary by the Tennessee Wildlife Resources Agency. A mussel sanctuary designation prohibits the taking of aquatic mollusks by any means and/or willful destruction of their habitat. A mussel survey of the project area was conducted on September 15, 2008. The federally listed as endangered pink mucket mussel was the only listed species found within the area of the proposed facilities. A snail survey of the project area was conducted on October 7 and 8, 2008. No listed snail species were found within the project area.

TVA and the Corps of Engineers are formally consulting with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed species (primarily the pink mucket). A biological assessment is being prepared by TVA and will be submitted to the USFWS. Formal consultation with the USFWS is ongoing, and additional commitments, as agreed upon by USFWS, TVA, the Corps of Engineers, and CBI, as well as the USFWS biological opinion will be listed in the final EA.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers and Tennessee Valley Authority are soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers and TVA to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

A draft environmental assessment (EA) has been prepared the Corps of Engineers and Tennessee Valley Authority prior to a final decision concerning issuance or denial of the requested DA and TVA permits. Your comments are also requested on this draft EA at <http://www.tva.gov/environment/reports>. Comments on this Joint Public Notice, as well as on the draft EA will be used in the preparation of a final EA and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

Other federal, state, and/or local approvals required for the proposed work are as follows:

A water quality certification must be provided by the state of Tennessee, Department of Environment and Conservation, (TDEC), Division of Water Pollution Control, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application.

A "No-Rise" Certification issued by the appropriate county engineering department would be required for the proposed work.

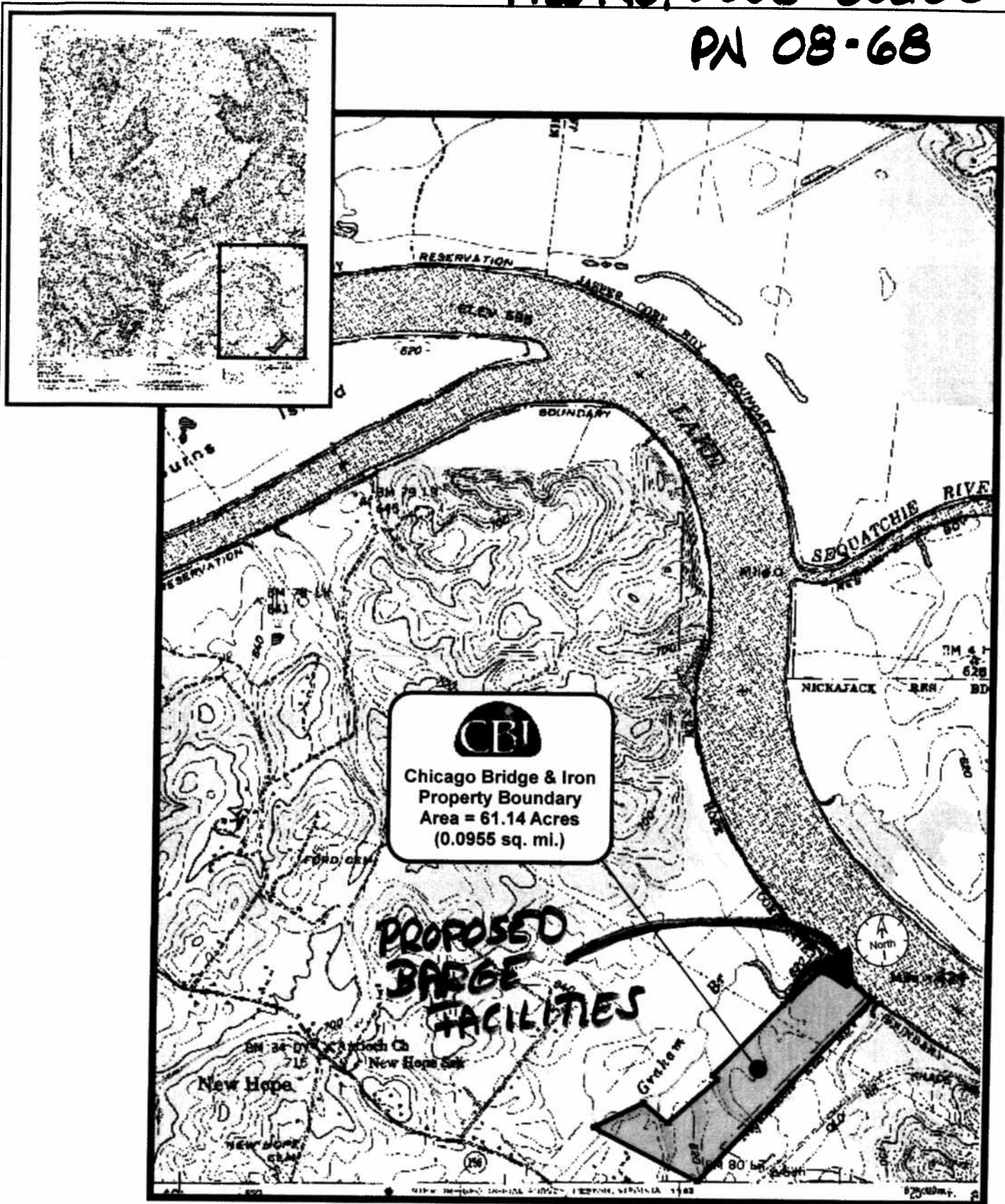
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **December 22, 2008**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Heather L. McGee, Post Office Box 1010, Muscle Shoals, Alabama 35662-1010.

TDEC will issue a separate public notice concerning the proposed work. However, questions regarding the water quality certification can be directed to TDEC, Attn: Richard D. Urban, Chattanooga Environmental Field Office, 540 McCallie Avenue, Suite 550, Chattanooga, Tennessee 37402

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Ms. Amy Robinson at the above address or phone number.

FILE NO. 2008-00206
PN 08-68



CBI
Chicago Bridge & Iron, Inc.
Proposed
Nuclear Fabrication Facility
New Hope, Tennessee

Image Taken from Tennessee Valley Authority
Published by the Geological Survey
SOUTH PITTSBURG, TENN
35085-A6-TF-024
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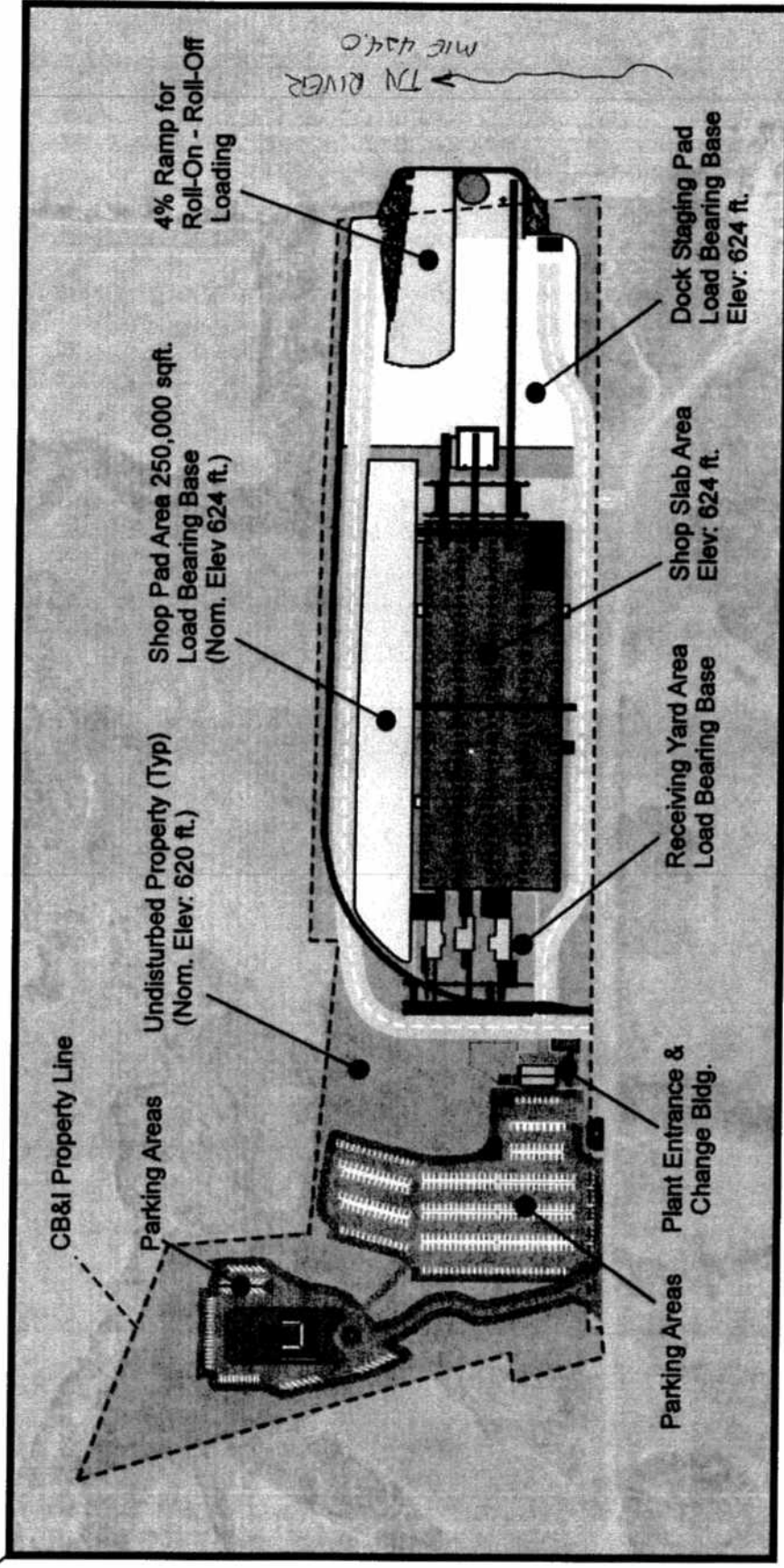
Fig. 1
CB&I Property Location
Prepared July 15th, 2008 by
CB&I Nuclear Program
Fabrication - Nuclear

File No. 2008-00206

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Fig. 1 Rotated
47 Deg.



Plan

Fig. 3

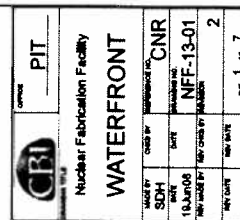
Facility Surface Treatment Plan

Prepared July 15th, 2008 by
CB&I Nuclear Program
Fabrication - Nuclear



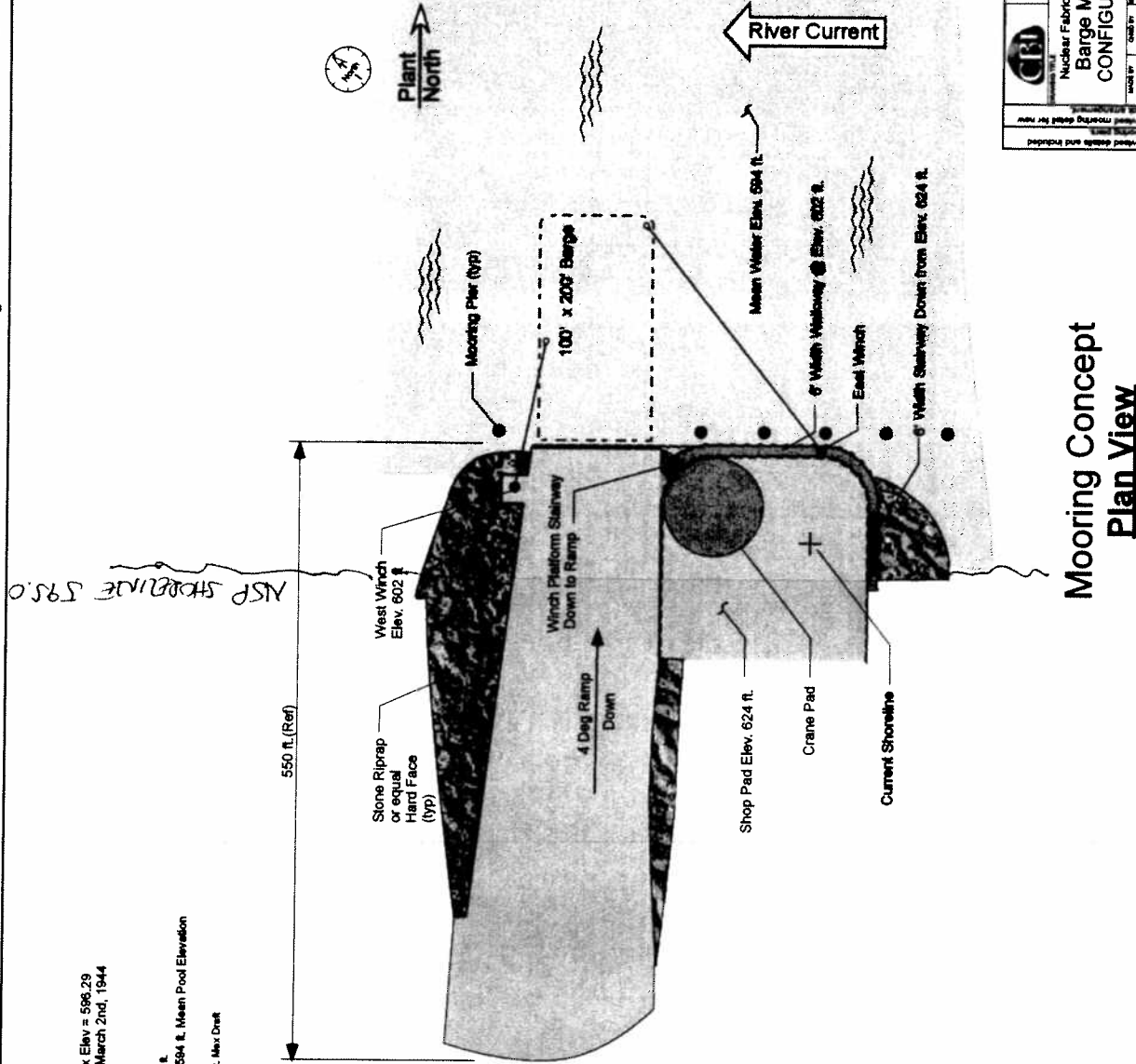
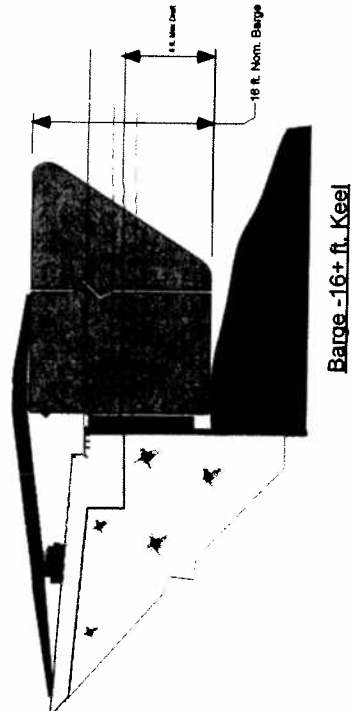
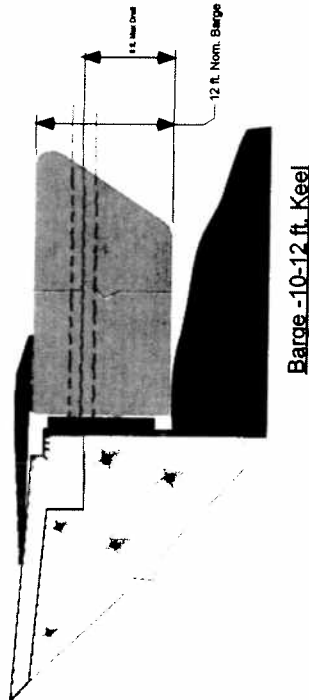
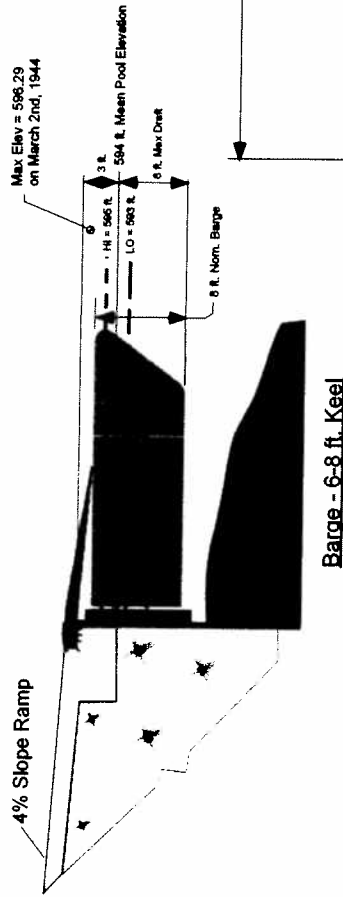
Chicago Bridge & Iron, Inc.
Proposed
Nuclear Fabrication Facility
New Hope, Tennessee

89-0029




File No. 2008-00206

PN 08-68

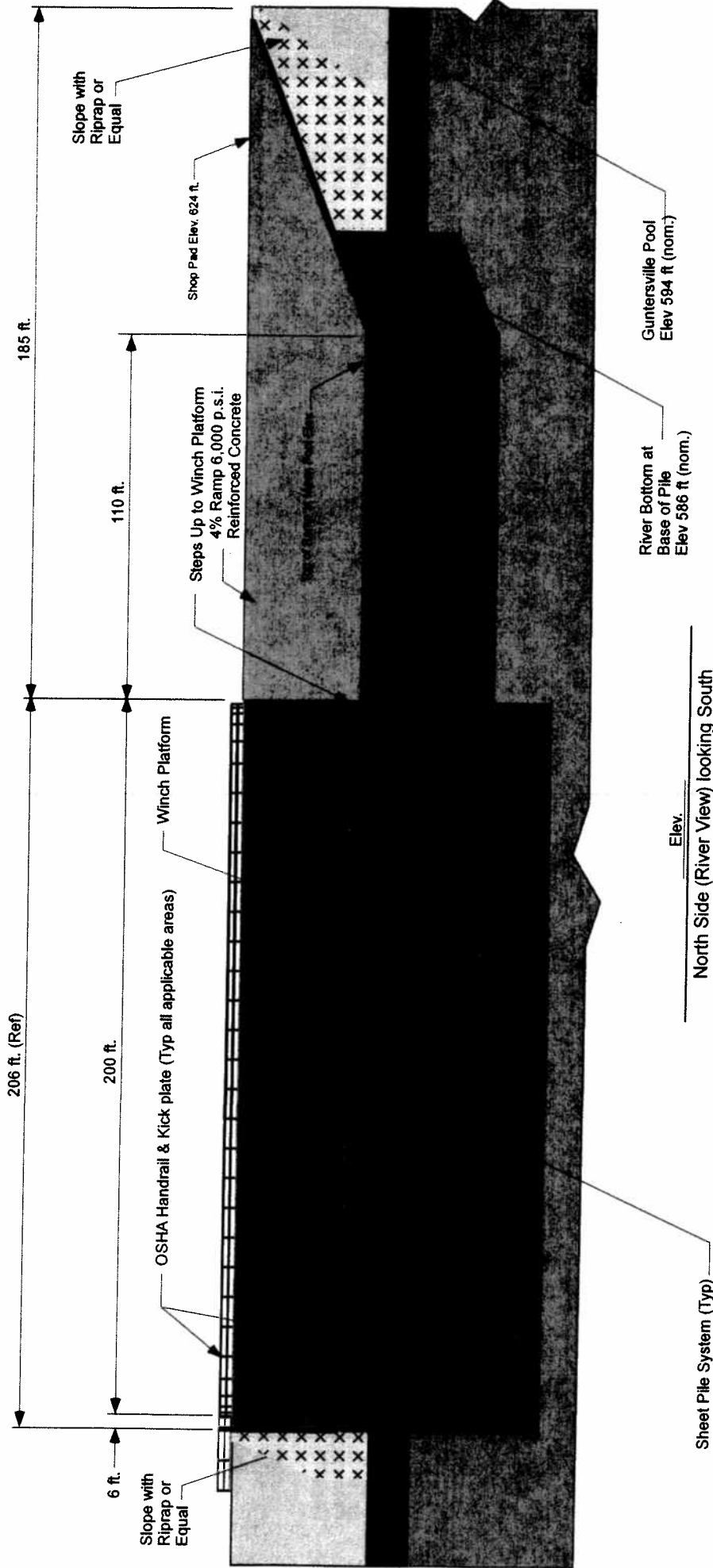


Mooring Concept
Plan View


		CONSOLE PIT	
Nuclear Fabrication Facility Barge Mooring CONFIGURATION			
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		OFFICE		PIT	
Nuclear Fabrication Facility					
WATERFRONT					
North View					
MADE BY	SDH	DESIGNED BY	CNR	REVISION	NFF-13-01
DATE	18 Jun 08	DATE		NO. OF SHEETS	2
NO. OF SHEETS	SDH	NO. OF SHEETS	2	NO. OF SHEETS	2
DATE	22 Jun 08	DATE		DATE	5 of 7

VIEW FROM WATERWAY